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Filing date: **12/18/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91173822
Party	Defendant Valiant Intellectual Properties, LLC Valiant Intellectual Properties, LLC P. O. Box 2207 Wilmington, DE 19899
Correspondence Address	MICHAEL L. LOVITZ, ESQ. CONNOLLY BOVE LODGE & HUTZ LLP PO BOX 2207 WILMINGTON, DE 19899-2207
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Date	12/18/2006
Attachments	Answer EW.pdf (3 pages)(72604 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

VALIANT ENTERTAINMENT INC.	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91173822
	:	
VALIANT INTELLECTUAL PROPERTIES, LLC	:	
	:	
Applicant.	:	Attorney Docket No. 13323-18

ANSWER TO NOTICE OF OPPOSITION

VALIANT INTELLECTUAL PROPERTIES, LLC, a Delaware limited liability company having a mailing address of P.O. Box 2207, Wilmington, DE 19899 ("Applicant"), hereby responds to the Notice of Opposition filed with respect to U.S. Trademark Application Serial No. 78/598,980:

1. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.
3. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.
4. Denied.
5. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.
6. Admitted.

7. Admitted in part; denied in part. Applicant admits the mark of the instant application is ETERNAL WARRIOR, which mark is identical in spelling to the WARRIOR Mark in which Opposer alleges it has rights. The remaining allegations of Paragraph 7 are denied.

8. Denied

9. Denied.

AFFIRMATIVE DEFENSES

A. Valiant Entertainment Inc. ("Opposer") lacks standing to bring the instant opposition proceeding.

B. Opposer has demonstrated no, and has failed to plead any, current or future interest in the ETERNAL WARRIOR mark.

C. The rights relied upon by Opposer are invalid as such rights were abandoned by Acclaim Comics, Inc. long prior to its filing for protection of the bankruptcy laws, and Opposer was aware of the abandonment of rights in this and other trademarks, and the resulting diminution of value of the assets being sold in bankruptcy, prior to its purchase of such assets, whereby Opposer was able to obtain a reduction in the purchase price for the remaining assets.

D. There is no likelihood of confusion as between the respective marks as applied to the parties' respective products and services.

E. Opposer has no priority of rights in the term "ETERNAL WARRIOR" as applied to comic books and related goods and services, and thus cannot support a Section 2(d) priority claim against Applicant.

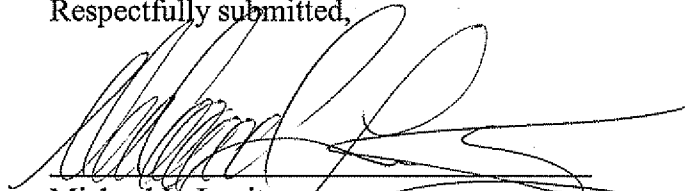
F. Opposer cannot demonstrate injury to any rights Opposer may establish during the opposition proceeding.

WHEREFORE, Applicant prays that this Opposition proceeding be dismissed and that Application Serial No. 78/598,980 be allowed to proceed to registration.

Respectfully submitted,

Dated:

By:



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